



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466

Ref: 8ENF-W

JUL 11 2005

CERTIFIED MAIL

RETURN RECEIPT REQUESTED 7003 2260 0001 7791 5664

Lincoln County Commissioners  
c/o Alan Linford, Chair  
925 Sage Ave.  
Kemmerer, WY 83101

Re: Notice of Safe Drinking Water Act  
Enforcement Action against  
ExxonMobil Corporation (Shute Creek  
Gas Plant) PWS ID# 5600919

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the ExxonMobil Corporation regarding the Shute Creek Gas Plant in Kemmerer, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. ExxonMobil Corporation is in violation of 40 C.F.R. §§ 141.73(d), 141.551, 141.72(b)(2), 141.74(c)(1) and 141.74(c)(2) by exceeding the turbidity level, failing to maintain at least 0.2 mg/l residual disinfectant concentration, and failing to monitor for turbidity and residual disinfectant concentration.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466  
<http://www.epa.gov/region08>

Ref: 8ENF-W

JUL 11 2005

CERTIFIED MAIL

RETURN RECEIPT REQUESTED 7003 2260 0001 7791 5657

S.J. Balagia, Jr.  
Registered Agent, ExxonMobil  
800 Bell Street  
Houston, TX 77002

Re: Administrative Order  
Docket No. **SDWA-08-2005-0036**  
PWS ID #5600919

Dear Madam or Sir:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that the ExxonMobil Corporation ("Exxon") is a supplier of water as defined by the SDWA and that Exxon has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.73(d), 141.551, 141.72(b)(2), 141.74(c)(1) and 141.74(c)(2) by exceeding the turbidity level, failing to maintain at least 0.2 mg/l residual disinfectant concentration, and failing to monitor for turbidity and residual disinfectant concentration.

If Exxon complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering the Exxon to comply.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have an informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to Michelle Marcu,

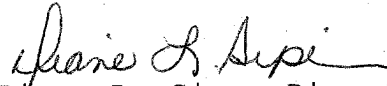


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Enforcement attorney, at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

cc: Chris Guimond, Exxon Mobil, Shute Creek Gas Plant  
WY DEQ (via email)  
WY DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2005 JUL 11 AM 8:48

IN THE MATTER OF )

ExxonMobil Corporation )  
Houston, Texas )

Respondent )

Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2005-0036**

FILED  
EPA REGION VIII  
HEARING CLERK

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. ExxonMobil Corporation (Respondent) is a corporation under the laws of the State of New Jersey as of December 18, 1972 and is therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the ExxonMobil Production Shute Creek Plant Water System (the "System"), located in Lincoln County, Wyoming for the provision to the public of piped water for human consumption.

3. The System regularly serves an average of at least 25 of the same individuals for at least 6 months out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-transient, non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a June 27, 2001 sanitary survey by an agent for EPA, Respondent operates a system that is supplied by the Green River, a surface water source, and the water is treated by both filtration and disinfection. The final filtration barrier for the drinking water system is alternative (bag/cartridge) filtration. The System serves approximately 190 persons through 10 service connections and is operational all year.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. §§ 141.73(d) and 141.551 specify that the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 Nephelometric Turbidity Units (NTU) in at least 95 percent of the measurements taken each month and at no time exceed 5 NTU, applicable to public water systems that use water obtained from surface or groundwater under the direct influence of surface water sources and use alternative filtration.
2. Testing of the Respondent's public water system showed that the turbidity limit of 1 NTU was not met in at least 95% of the month's measurements during March 2005, in violation of 40 C.F.R. §§ 141.73(d) and 141.551.

II.

1. 40 C.F.R. § 141.72(b)(2) requires systems which provide filtration treatment to provide disinfection treatment such that the residual disinfectant concentration in the water entering the distribution system is not less than 0.2 mg/l for more than 4 hours.
2. Test results show the Respondent's system did not maintain at least 0.2 mg/l residual disinfectant concentration for more than 4 hours during

November 30, 2004, in violation of 40 C.F.R.  
§ 141.72(b)(2).

III.

1. 40 C.F.R. § 141.74(c)(1) requires public water systems that use a surface water source, or groundwater under the direct influence of surface water, and serve 500 or fewer persons to monitor turbidity on representative samples of the filtered water once per day.
2. Respondent failed to monitor the filtered water for turbidity on March 24, 2004; June 4, 2004 and August 28, 2004, in violation of 40 C.F.R. § 141.74(c)(1).

IV.

1. 40 C.F.R. § 141.74(c)(2) requires public water systems using a surface water source, or a groundwater source under the direct influence of surface water, and which serve 500 or fewer people to monitor residual disinfectant concentration of the water entering the distribution system daily.
2. Respondent failed to monitor the water for residual disinfectant concentration March 24, 2004; June 4, 2004 and August 28, 2004, in violation of 40 C.F.R. § 141.74(c)(2).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Within 30 days of the date of this Order, Respondent shall submit to EPA detailed plans for bringing Respondent's public water system into consistent compliance with 40 C.F.R. §§ 141.73(d) and 141.551 which requires that, for systems with alternative filtration technology, the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of measurements taken each month and at no time exceed 5 NTU. The plans shall also address compliance with the daily monitoring requirements for turbidity and disinfectant residual at 40 C.F.R. §§ 141.74(c)(1) and 141.74(c)(2), respectively, and for consistently maintaining a chlorine residual in the distribution system of not less than 0.2 mg/l as required by 40 C.F.R. § 141.72(b)(2). The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with turbidity levels. The proposed schedule shall include specific milestone dates, a final compliance date that shall be within 4 months from the effective date of this Order and shall be submitted to the EPA and the Wyoming Department of



Environmental Quality (DEQ) for approval. The plans must be approved by EPA and DEQ before modifications can commence.

2. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.
3. Within 90 days of the date of this Order, Respondent shall submit a report on the progress made in completion of the plans submitted in paragraph 1 above.
4. Within 10 days of completion of the plans identified in paragraph 1 above to bring Respondent's system into consistent compliance with turbidity levels and monitoring requirements, Respondent shall notify EPA in writing of the completion.
5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. §§ 141.73(d) and 141.551 requiring that the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of measurements taken each month and at no time exceed 5 NTU.
6. Upon the effective date of this Order, Respondent shall comply with the requirements of 40 C.F.R. § 141.72(b)(2) by not allowing residual disinfectant concentration in the water entering the distribution system to be less than 0.2 mg/l for more than 4 hours.

7. Upon the date of this Order, Respondent shall monitor the water for turbidity as required by 40 C.F.R. § 141.74(c)(1). Respondent shall report monitoring results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.75.
8. Upon the effective date of this Order, Respondent shall comply with the requirements of 40 C.F.R. § 141.74(c)(2) to monitor residual disinfectant concentration of the water entering the distribution system daily. Respondent shall report the results to EPA within 10 days after the end of each month, as required by 40 C.F.R. § 141.75.
9. Reporting requirements specified in this Order shall be provided by certified mail to:

U.S. EPA Region 8 (8P-W-MS)  
999 18th Street, Suite 300  
Denver, CO 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.

2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 11<sup>th</sup> day of July, 2005.

Michael T. Risner

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Diane L. Sipe

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice